

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM, and SANDRA §
 McCOLLUM, individually, and STEPHANIE §
 KINGREY, individually and as independent §
 administrator of the Estate of LARRY GENE §
 McCOLLUM, §

PLAINTIFFS

V.

BRAD LIVINGSTON, JEFF PRINGLE, §
 RICHARD CLARK, KAREN TATE, §
 SANDREA SANDERS, ROBERT EASON, the §
 UNIVERSITY OF TEXAS MEDICAL §
 BRANCH and the TEXAS DEPARTMENT OF §
 CRIMINAL JUSTICE. §

DEFENDANTS

CIVIL ACTION NO.
4:14-cv-3253
JURY DEMAND

**PLAINTIFFS' CONSOLIDATED RESPONSE TO DEFENDANTS' MOTIONS
TO STRIKE SUMMARY JUDGMENT EVIDENCE**

Exhibit M

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, §
STEPHANIE KINGREY, and §
SANDRA McCOLLUM, §
individually and as §
heirs at law to the §
Estate of LARRY GENE §
McCOLLUM, §

Plaintiffs, §

VS §

BRAD LIVINGSTON, JEFF §
PRINGLE, and the TEXAS §
DEPARTMENT OF CRIMINAL §
JUSTICE, §

Defendants. §

CIVIL ACTION NO.
3:12-cv-02037

ORAL AND VIDEOTAPED DEPOSITION OF

ANANDA D. BABBILI

FEBRUARY 7, 2013

ORAL AND VIDEOTAPED DEPOSITION OF
ANANDA D. BABBILI, produced as a witness at the instance
of the PLAINTIFFS, and duly sworn, was taken in the
above-styled and numbered cause on the 7th day of
February, 2013, from 9:52 a.m. to 12:50 p.m., before
TINA TERRELL BURNEY, CSR in and for the State of Texas,
reported by machine shorthand, at the Hutchins State
Jail, 1500 E. Langdon Road, Dallas, Texas 75241,
pursuant to the Federal Rules of Civil Procedure.

McCollum, et al. v.
Brad Livingston, et al.

Ananda D. Babbili
February 07, 2013

A P P E A R A N C E S

FOR THE PLAINTIFFS:

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ALSO PRESENT:

Mr. Jeremy Gilliam (Videographer)
512.565.4799

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Plaintiffs' MSJ Appx. 7973
(Supplemental)

McCollum, et al. v.
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Ananda D. Babbili
February 07, 2013

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1 that that would have potentially devastating
2 consequences on a patient or an inmate, right?

3 A. If the staff knew that.

4 Q. Of course. And you would expect a trained
5 licensed vocational nurse to know that too, right?

6 A. Yes.

7 Q. Okay. And if a trained licensed vocational
8 nurse didn't tell you that an inmate was diabetic, you
9 would be critical of that nurse, right?

10 A. Yes.

11 Q. Tell me what else is there, sir.

12 A. This is the two-page copy of the conversation
13 that took place early that morning of July 22nd when the
14 patient had seizures and they had to call the nurse, who
15 does the triaging of the patient's problem and takes
16 appropriate action.

17 (Exhibit 4 marked.)

18 Q. Okay. Now, do you know if they took
19 appropriate action, or, I mean, is that just speculation
20 on your part?

21 A. No. According to the papers, they did take
22 appropriate action.

23 Q. Okay. Do you consider it appropriate to wait
24 roughly an hour before you call an ambulance while
25 someone's seizing and unresponsive?

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1 A. No, that's not appropriate.

2 Q. I mean, that's like off the charts
3 inappropriate, right?

4 A. Yes.

5 Q. If that happened here, I assume you would be
6 highly critical of the correctional officers who waited
7 an hour to call an ambulance, right?

8 MS. COOGAN: Objection, hypothetical --

9 Q. Hypothetically.

10 MS. COOGAN: -- it's incomplete. It
11 would cause -- require speculation, calls for
12 speculation.

13 MR. HARRIS: I'll join in those
14 objections.

15 Q. Of course it -- you'd be critical, right?

16 MS. COOGAN: Same objections, calls for
17 speculation.

18 MR. HARRIS: Same objections.

19 A. I cannot speculate.

20 Q. I'm not asking you to speculate. If you're
21 presented with an unresponsive person having a seizure,
22 okay, is it acceptable to wait an hour to call an
23 ambulance?

24 A. If I was there and saw the patient, no.

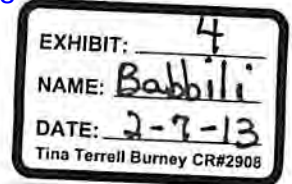
25 Q. Why -- why not, sir?

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CORRECTIONAL MANAGED CARE CLINIC NOTES - NURSING

Patient Name: MCCOLLUM, LARRY G **TDCJ#:** 1721640 **Date:** 07/22/2011 03:16 **Facility:** HUTCHINS (HJ)

Age: 58 year **Race:** W **Sex:** male

Most recent vitals from 11/13/2003: BP: 112 / 87 (Standing) ; Wt: 192 Lbs.; Height: ; Pulse: 107 (Standing) ; Resp: 18 / min; Temp: 97 (Oral)

Allergies: NO KNOWN ALLERGIES

Patient Language: **Name of interpreter, if required:**

Current Medications:

SCR INITIATED?		YES	Date Received:
	X	NO	

Nursing Triage Form

Name of Security Officer Calling LT SANDERS

Presenting Problems/Symptoms HE IS ON THE TOP BUNK HAVING A SEIZURE THAT HAS LASTED FOR 5 MINUTES, SECURITY CAN NOT GET HIM OFF THE TOP BUNK, THEY ARE STANDING UP AGAINST THE TOP BUNK TO KEEP HIM FROM FALLING, THEY CALLED 911. HE HAS NO HISTORY OF SEIZURE DISORDER. HIS CELL MATE SAYS HE IS DIABETIC. NO HX OF THIS SEEN IN CHART.

NO MEDICAL ON THE UNIT

Protocol used: (List protocol name, and page number):

1. SEIZURE PG 471

2. _____

3. _____

4. _____

5. Other _____

Problem: X Emergent Urgent Non-Urgent
(Immediately) (2 hrs) (Pass Issued / Fill out Sick Call Request)

Circle/Mark "X" Correct Information

Telephone Triage

X 1. Instructions given to security officer to call 911 and transport offender patient to nearest local community hospital ED.

 2. Instructions given to security officer to transport the offender patient to the designated HUB for a full assessment and further care. (applicable only if the facility is within a designated HUB area)

 3. Instructed the Security officer to issue a pass to the offender patient to come to medical the next day.

 4. Other as ordered by a provider: _____

 5. Instructions given to security officer to place offender patient in front of the DMS equipment in medical for assessment / interview.

Additional Comments UR NOTIFIED. CONTACT ANN. PRECERT NO 776845

**CORRECTIONAL MANAGED CARE
CLINIC NOTES - NURSING**

Patient Name: MCCOLLUM, LARRY G **TDCJ#:** 1721640 **Date:** 07/22/2011 03:16 **Facility:** HUTCHINS (HJ)

PARKLAND HOSPITAL WAS CONTACTED, REPORT GIVEN TO VIRGINIA. I CALLED BACK TO HUTCHINS TO MAKE SURE HE WAS OK. THEY SAID THE AMBULANCE WAS THERE AND THEY WERE TAKING CARE OF HIM.

Revision 07/18/10

(Telephone Triage Revision 08/19/10, COPY AND PASTE into patient's EMR

Electronically Signed by STOKES, GINA E. R.N. on 07/22/2011.
##And No Others##